

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF VIRGINIA
3 Abingdon Division

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5 KYMBERLY HOBBS, ADMINISTRATOR OF THE ESTATE

6 OF CHARLES JAMES GIVENS, DECEASED,

7 Plaintiff,

Case No.

8 v.

1:23cv00003

9 ANTHONY RAYMOND KELLY, et al.,

10 Defendants.
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15 VIDEOCONFERENCED

16 DEPOSITION UPON ORAL EXAMINATION

17 OF MARK ROBERT SOCHOR, MD,

18 TAKEN ON BEHALF OF THE PLAINTIFF

19 October 1, 2024
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24 KATHLEEN BEARD ADAMS, CCR, RPR, CRR

25 Court Reporter

1 Q. Okay. Did Mr. Givens fall on the part
2 of the bed that is protected by a mattress,
3 according to your theory?

4 A. So he would have fallen onto the -- that
5 edge. And I don't think that that mattress with
6 that rate of fall was going to make any difference
7 in terms of how much acceleration and displacement
8 his ribs had.

9 Q. Well, did he fall onto the mattress
10 according to your theory or did he fall onto the
11 metal part that is exposed to the right?

12 A. He could have fallen onto the edge of
13 the mattress, but -- the mattress could have been
14 there, but it's not going to prevent the fracture
15 from a fall.

16 Q. I see. And did you do any type of
17 studies with, you know, cadavers like you did for
18 the auto industry?

19 A. You wouldn't use a cadaver to do this
20 type of study. That wouldn't be the spirit of the
21 willed-body program.

22 Q. Okay. He's just lying in boxers when
23 he's found, correct?

24 A. Correct.

25 Q. And there's no evidence that he was

1 seeking to dress himself, correct?

2 A. I don't know what evidence seeking to
3 dress yourself would look like. There's clothes
4 next to him. There's shoes next to his head. I
5 don't know. I don't know how he was --

6 Q. All right. So, first, what was
7 Mr. Givens exactly doing when you postulate he did
8 this tree-type fall against the mattress?

9 A. Nobody would know that.

10 Q. I see. All right. How slippery was the
11 floor that he fell on?

12 A. I don't know.

13 Q. All right. Well, wasn't it mopped and
14 then dry mopped before he was put back in the cell?

15 A. Sure, but if you have a seizure or you
16 fall down from hypotension it doesn't matter if your
17 feet are stuck to the floor; you're going to fall
18 back or you're going to fall forward.

19 Q. So it's one of those two things, but you
20 only put seizure in your report on page 19, you
21 didn't reference hypotension, correct?

22 A. Correct.

23 Q. Did Mr. Schnetzler when he reviewed your
24 report ask you the question when it says "either"
25 and it refers to a seizure what the other one is?